

## EXPLORING THE NEED FOR A NATIONAL LEVEE SAFETY PROGRAM

National Committee on Levee Safety (NCLS)

[www.iwr.usace.army.mil/ncls](http://www.iwr.usace.army.mil/ncls)

December 16, 2008 WebEx Dialogue

### Highlights of discussion

- Created by the Water Resources Development Act of 2007, this is a 16 member Committee consisting of 1 representative from the USACE, 1 from FEMA, 8 from state levee safety agencies, 2 private, 2 local/regional, and 2 representing tribes. Rod Mayer is the State of Ca representative. Dr Les Harder is a private sector representative.
- 300 people from around the country were participating in the Dec 16 webex dialogue.
- The NCLS owes a report to Congress by January 15, 2009 on what a National Levee Safety Program should consist of. This webex dialogue is to let people know what is in their report. They will do more stakeholder outreach in the next 2 years but had to get this report written.
- NCLS looking to develop national set of standards for levee safety similar to national building and mechanical codes. It will take 5 years to develop these standards. In the meantime they will develop interim standards that will pertain to federal, state and private levees. There will be independent peer review. Everyone must follow the standards.
- There will be "tolerable risk" guidelines
- There will be a Research and Development program
- The concept of a certified levee professional will be forwarded
- There will be a public education, public awareness program and materials developed that communicate risk. It will be national level material provided to the states for the states to add their localized information to it.
- There will be a citizens levee watch program created similar to Neighborhood Watch.
- Liability- there will be "provisionally accredited levees" (PAL is the acronym) to reaccredit communities that have had levees decertified. Want to get FEMA and Corps away from using term "certification". They want to add peer review to the levee accreditation process.
- They said Congress should address overall liability and get some experts/stakeholders to develop a recommendation re liability. They don't feel engineers should be held liable when engineers can't control level of levee protection actually implemented.
- They are devoting their time to developing standards, practices, procedures, public awareness. But what about the actual state of the levee structures in the country and the need to rehabilitate them? ( non structural/ structural solutions issue)
- Governance- any governance structure for national levee safety has to have accountability, dedicated funding and some degree of independence. NCLS is recommending a National Levee Safety Commission which has incentives and disincentives available to them, a national levee data base( with more than federal levees included) and permanent full time staff. They are suggesting 7

voting members, 5 appointed by the President and representation from federal (Corps and FEMA), state, local, tribes, and private sector. There would be operations and administration staff, an Executive Director reporting to the Chair of the Commission, supplemented by staff from Corps and FEMA. There would be advisory committees, program activities and they would address environmental and safety issues on new levee projects, levee rehabilitation projects and levee removal projects.

- Q and A. Q-Who will pay to bring levees up to standards? A- Owners of the levees generally pay but in some cases the risk is inordinately high so federal government should invest in rehabilitation and nonstructural mitigation. State and local governments will have to be involved as well as private sector. They see a National Levee Safety program being similar to the Federal Dam Safety Program developed 30 years ago. Perhaps there will be a National Levee Rehabilitation Fund where some levees are so important, are in the highest hazard areas and have a drastic need for rehabilitation or improvement that the federal government would pay.
- Q - Who will approve design and construction of new levees? A- for non federal levees, the states; for federal levees, FEMA and the Corps.
- Q - What about environmental compliance related to O and M of levees/What about sea level rise and impact on levees. A-a systems approach must be used. Incentives and disincentives will be used.
- Wrap Up – After January 15 when the NCLS report goes to Congress, the Corps website will have the full report posted. New Legislation – new National Levee Safety Act-will be called for in the report and the sponsoring committees will be Transportation and Infrastructure, and Environment and Public Works. Could take 5- 7 years for a new Act to become law. It will have incentives in the form of grants and disincentives. There will be new activities and new costs recommended. There is a huge potential return on investment. (What does it cost to NOT have a National Levee Safety Program?). Over the next 24 months, the NCLS will refine their report to Congress and get more data. The NCLS is going to have more stakeholder outreach on a national and regional scale that they couldn't get to yet. The National Levee Data Base will have as much information in it as possible except for certain deficiency information that can not be made public due to national security concerns. What comes next? During the next 2 years Congress and federal agencies can work on the low hanging fruit.